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MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

April 5, 2023

Honorable Police Commission
City and County of San Francisco
1245 3rd Street, 6th Floor West
San Francisco, CA 94158

Re: Fourth Quarter 2022 Disciplinary Review Board Findings and Recommendations

Dear Commissioners:

On Thursday March 30th, 2023, at approximately 1300 hours, pursuant to and in compliance with Department General Order 2.04.08, Subsection B, the Disciplinary Review Board (DRB) convened to review aggregate trends appearing in Internal Affairs Division (IAD) and Department of Police Accountability (DPA) cases from the third quarter of 2022. The DRB also reviewed policy failure complaints and cases. The meeting was held via Microsoft Teams and the DRB was comprised as follows:

Voting Board Members

Assignments

- Acting Deputy Chief Nicole Jones(Chair).....Administration Bureau
- Commander Paul Yep.....Chief of Staff

Advisory Board Members

Assignments

- Attorney Diana Rosenstein.....Department of Police Accountability
- Commissioner Cindy Elias.....Police Commission

Also present were Captain Mark Im, Lieutenant Angela Wilhelm, Sergeant Graig Wells and Analyst Lee Ann Kwait of the Risk Management Office. Sergeant Stacy Youngblood of the Police Commission Office and Sergeant Gabe Rivera and Officer Deshawn Wright of the Professional Standard and Principled Policing Bureau (PSPPB).

The Board reviewed the recommendations that were put forth at the previous DRB meeting and attendees provided any updates on the progress of those recommendations.

Lieutenant Wilhelm displayed a PowerPoint presentation to the Board regarding policy and training failure cases from IAD and DPA as well as cases that showed complaint trends identified by both IAD and DPA in the fourth quarter of 2022. The trends identified by IAD included theft of firearms, failure to investigate, failure to appear for DPA interviews and failure to return response forms to DPA. The trends identified by DPA included failure to activate body worn cameras, failure to accept a private person arrest, detention without reasonable suspicion and failure to properly supervise.

IAD and DPA then presented cases that identified policy failures during the fourth quarter of 2022.

Policy Failure:

IAD had one case that resulted in a policy failure finding. This was an incident in which an investigator seized a cellphone and brought the phone home overnight prior to bringing it to work the following day. Discussion followed and it was noted there should be language added to the relevant General Order to specifically prohibit members from taking property home.

DPA had one case that resulted in a policy failure finding:

A subject was booked at a district station but ended up being held for 21 hours due to the Sherriff's Department temporarily preventing the admission of new inmates at the County Jail. Discussion was held that the Detention Manual should be updated to comply with legal requirements regarding custodies and to include contingencies for instances such as this one.

Training Failure:

There was one IAD case with a training failure finding in the fourth quarter of 2022. An individual who was hearing impaired responded to a station to file a police report. The station's telecommunications device to assist in these instances was not working and there was no language line icon on the desktop at the front counter.

DPA had one case that resulted in a training failure finding. Officers responded to a well-being check regarding a person who also was alleged to have a knife. The officers contacted the individual and during the incident they conducted a pat search on the individual. The officers were unable to articulate under what circumstances they were allowed to conduct a pat search due to a lack of training.

Internal Affairs Division:

IAD presented one case that exemplified the discipline trends seen in the fourth quarter of 2022. In this case an individual attempted to file a supplemental report at a district station but was advised they needed to contact their insurance company or a different SFPD unit. The member did not take the supplemental report as the policy was unclear if they were or were not able to do so and they did not seek clarification from a supervisor.

Department of Police Accountability:

DPA presented a case in which an officer liked a tweet using the district station's Twitter account. The tweet that the officer liked was later categorized as racist. The officer had received essentially no training for the duties of her role managing the station's Twitter account and current Department policy does not provide sufficient guidance. The case resulted in both policy and training failure findings.

The Board then held a discussion regarding CRI Recommendation 69.2 which recommends that the SFPD have a committee conduct a review of internal discipline to ensure there is no bias in the application of discipline. PSPPB discussed how the DRB was the most

appropriate body to conduct this quarterly review. After discussion it was advised that the DRB would add this review to their quarterly meeting agenda going forward.

The DRB then proposed recommendations to address the complaint trends discussed and the cases presented to them for the fourth quarter 2022. The recommendations are as follows:

1. Update DGO 6.15 to include language around investigators taking evidence home.
2. Update DM-12, FOB unit order 21-01, and holding cell policies to address prolonged detentions due to exceptional circumstances.
3. All district station LEP equipment should be audited to ensure compliance with DGO 5.23 and DN 21-042, and to provide proper training to station personnel on the use of the equipment.
4. Improved training on pat search articulation of mental health cases, such as 5150 evaluations.
5. Update DB 21-092 (Report Writing for PSAs) to clarify what reports can be taken by PSAs. The bulletin is set to expire 6/2023.
6. Social media accounts should be monitored and controlled by the Media Relations Unit, or MRU should create social media training for authorized users.
7. Recommendation on adding a quarterly agenda item for CRI Recommendation 69.2 regarding the equitable application of discipline: The DRB should take this responsibility on and add an agenda item to the quarterly meetings.

The findings of the Disciplinary Review Board for the fourth quarter of 2022 are hereby forwarded for your review and consideration.

Sincerely,


WILLIAM SCOTT
Chief of Police